

REMARKS

Entry of the above amendments is believed to be appropriate after Final Rejection in that the amendments respond to, and it is believed overcome, each of the outstanding grounds for rejection and place this application in condition for allowance. Entry of these amendments and reconsideration and withdrawal of all remaining ground for rejection is therefore respectfully requested, in view of these amendments and the following remarks.

Claim Amendments

Claims 13, 15 and 16 have been newly cancelled, and claim 1, 7, 9, 10 and 14 have been amended in the manner noted below:

In claim 1, formula (I) has been amended in the manner suggested by the Examiner by removing reference to the substituent $(R^1)_p$ which is no longer present. As previously amended, p is 0 and therefore there is no substituent at this position. The definition of "p is 0" has also been removed inasmuch as the need for this definition has been mooted by the amendment to formula (I).

Claim 7, dependent on claim 1, has been amended to remove the definition "p is 0" for consistency with amended claim 1.

In process-for-making claim 9, formulae (III), (IV), (VI), (IX) and (X) have been amended by removing the reference to the substituent $(R^1)_p$ for consistency with the amendment to claim 1, formula (I). The references to R^1 and p have also been removed from the introductory paragraph of this claim.

Claim 10 has been amended with respect to its dependency to remove the reference to previously cancelled claim 2.

Method of treatment claims 13, 15 and 16 have been newly cancelled, and claim 14 has been amended to recite only rheumatoid arthritis, for the reasons discussed below.

The above amendments are being made without abandonment or waiver of Applicants' right to prosecute any deleted subject matter in one or more continuing applications. It should be apparent from the above remarks that no new matter has been added by these amendments to the claims. These amendments are responsive to the Examiner's suggestions and/or grounds for rejection, and are believed to overcome all outstanding

grounds for rejection. Therefore, entry of these amendments after Final Rejection is believed to be in order and is respectfully requested. Following entry of these amendments, claims 1, 3, 4, 7-10 and 14 remain pending in this application.

Claim Rejections - 35 USC § 112, 1st Paragraph

Beginning at page 3 of the Final Action, claims 13-16 have been rejected under 35 U.S.C. 112, first paragraph, the Examiner noting “because the specification, while being enabling for a method of treatment of rheumatoid arthritis, does not reasonably provide enablement for a method for the production of a cell cycle inhibitory (anti-cell-proliferation) effect in a warm-blooded animal; or a method for the treatment of cancers and leukaemias, fibroproliferative and differentiative disorders, autoimmune diseases, acute and chronic inflammation, bone diseases, and ocular diseases, etc. (listed in claims 14-16).”

In order to expedite the prosecution of this application to allowance, claims 13, 15 and 16 have been cancelled and claim 14 has been amended to limit the indications being treated to rheumatoid arthritis. These amendments are being made without abandonment or waiver of Applicants’ rights to prosecute claims to the deleted subject matter in one or more continuing applications. Inasmuch as these amendments fully address and, it is believed, overcome the section 112, first paragraph rejection, it is respectfully requested that this ground for rejection be withdrawn.

Claim Rejections - 35 USC § 112, 2nd Paragraph

At page 11 of the Final Action, the Examiner has rejected claims 1, 3-4, 7-10 and 13-16 under 35 U.S.C. 112, second paragraph, as being indefinite on two grounds.

(1) In claim 1, the Examiner notes that the structural formula (I) shows the term “(R¹)_p”, but that there is no definition provided for R¹ and, in any event, since p is now defined only as 0 there is no R¹ on this phenyl ring. The Examiner therefore suggests that the fragment -(R¹)_p be removed from the structural formula. Pursuant to the Examiner’s suggestion, the structure of formula (I) in claim 1 has been amended above to remove the fragment -(R¹)_p, and the definition of “p is 0” has been removed as no longer being needed.

For consistency, formulae (III), (IV), (VI), (IX) and (X) in process-for-making claim 9 also have been amended to remove fragment $-(R^1)_p$ from the intermediate structures shown therein, and the references to R^1 and p have been removed from the introductory portion of that claim.

Inasmuch as Applicants have followed the Examiner's suggestion for overcoming this ground for rejection, it is respectfully requested that this ground for rejection be withdrawn.

(2) The Examiner notes that claim 10 depends from claim 2, which has been cancelled. Claim 10 has been amended above to remove the dependency on claim 2, thereby overcoming this ground for rejection as well.

***Provisional Obviousness-Type Double Patenting over
Coping Applications No. 10/507,163 and No. 10/507,169***

The Examiner has maintained the *provisional* rejection of Claims 1, 3-4, 7-10 and 13-16 for nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of copending Application No. 10/507,163, and also over claims 1-20 of copending Application No. 10/507,169. Both of these applications are currently pending before Examiner Rao with no allowed claims. Therefore, since the *provisional* obviousness-type double patenting rejection is believed to be the only remaining ground for rejection in this application, this *provisional* ground for rejection should be withdrawn and the present application should be allowed to issue.

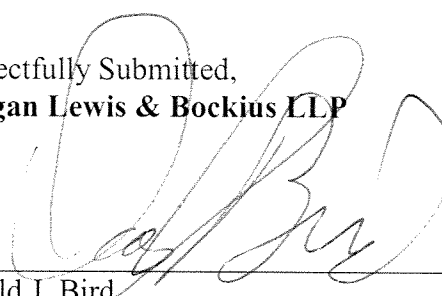
Conclusion

All ground for rejection having been addressed and it is believed overcome by the foregoing Amendments and Remarks, the allowance of all claims is respectfully requested together with the mailing of a Notice to that effect. However, if any issue remains outstanding after consideration of the above, it is respectfully requested that the Examiner telephone the undersigned to explore whether an expedited resolution might be obtained.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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